

Hon. Tana Lin
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT BENSHOOF, Defendants.

Plaintiff,

v.

No.: 2:24-cv-00343-TL

CITY OF SHORELINE, KING
COUNTY, TOWN & COUNTRY
MARKETS, EVAN B. FAGAN,
WILLIAM C AKERS, and MR.
THOMPSON,

JUDICIAL NOTICE

Plaintiff, Kurt Benshoof is hereby notifying the Court and the parties to this action, that
Plaintiff is scheduled to be released from the unlawful detention and incarceration on
Wednesday November 27, 2024.


RESPECTFULLY SUBMITTED,



Kurt Benshoof, Plaintiff *pro se*
1716 N 128th Street
Seattle, WA 98133
**King County Correctional Facility –
Seattle¹**
B/A 2024-008067, UCN# 10518097
500 Fifth Ave., Seattle, WA 98104
Email: kurtbenshoof1@gmail.com
[no access to internet/email]

¹ Subject to change without notice, mail delivery [send/receive] not guaranteed.
PLAINTIFF'S MOTION TO STRIKE DECL. SUMMERS (Dkt 77)
No. 2:24-cv-00343-TL

1 The foregoing statements of fact were typed up by the undersigned, upon Mr. Kurt
2 Benshoof's request and to the best of the undersigned's understanding.²
3

4
5 Signature:  _____

Date: November 26, 2024

6 /URVE MAGGITI / urve.maggitti@gmail.com
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

² See *Faretta v. California* and Section 35 of the **Judiciary Act of 1789**, 1 Stat. 73, 92

AFFIDAVIT

Petitioner KURT ALDEN BENSHOOF, has declared his intent that URVE MAGGITT shall have the general authority to file Petitions for Writs of Habeas Corpus, Amicus Briefs, and Next Friend Petitions on his behalf into all of his legal actions³; therefore, KURT ALDEN BENSHOOF has designate URVE MAGGITT as a "next friend" of his, and as one of his "assistance of counsel".

In 1975 in *Faretta v. California*, United States Supreme Court acknowledges an established historical fact: "Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment *813 was proposed, provided that 'in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel . . . ' The right is currently codified in 28 U.S.C. s 1654."⁴

The Court quoted from Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92 which states as follows:

"SEC. 35. And be it further enacted, **That in all courts** of the United States, the **parties may plead and manage their own causes personally or by assistance of such counsel or attorneys at law**"⁵

Judiciary Act of 1789 was passed before ratification of the Sixth Amendment in the Bill of Rights in 1791. The drafters of the Sixth Amendment had deliberately removed the word *attorneys at law* from the Sixth Amendment, and substantially amended the language to read: "**right to have the Assistance of Counsel.**"

Signature: _____

/URVE MAGGITT /

Date: November 26, 2024
urve.maggitti@gmail.com

³ Next friend standing allows a third party to petition for habeas corpus on behalf of the real party in interest: the detainee. *Whitmore v. Arkansas*, 495 U.S. 149, 162 (1990) ("Most frequently, next friends appear in court on behalf of detained prisoners who are unable, usually because of mental incompetence or inaccessibility, to seek relief themselves."). Scott Harman-Heath, Unnamed & Uncharged: Next Friend Standing and the Anonymous Detainee, 11 Harv. Nat'l Sec. J. 420, 454 (2020)

⁴ *Faretta v. California*, 422 U.S. 806, 812-13, 95 S. Ct. 2525, 2530, 45 L. Ed. 2d 562 (1975)

⁵ "The Judiciary Act; September 24, 1789, 1 Stat. 73. An Act to Establish the Judicial Courts of the United States." "APPROVED, September 24, 1789." https://avalon.law.yale.edu/18th_century/judiciary_act.asp

**ACKNOWLEDGMENT
AFFIDAVIT
(Verification)**

STATE OF PENNSYLVANIA)
COUNTY OF CHESTER)

I, Urve Maggitti, the undersigned Affiant hereto, do hereby declare under penalties of perjury under the laws of the Commonwealth of Pennsylvania and the United States of America, that the foregoing accounting of facts are true and correct to the best of my current knowledge and belief.

I am over the age of 18 years of age, am a resident of the Commonwealth of Pennsylvania, have personal knowledge of the matters of this affidavit, and am capable of making such affidavit.

Pursuant to 28 U.S. Code § 1746 (1) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 26 /2024.

Signed: _____

Urve Maggitti

Notary as JURAT CERTIFICATE

State of Pennsylvania Philadelphia

BEFORE ME personally appeared Urve Maggitti who, being by me first duly sworn, executed the foregoing in my presence and stated to me that the facts alleged therein are true and correct according to her own personal knowledge.

Notary Public,

My commission expires:

08/20/26

Commonwealth of Pennsylvania - Notary Seal
Richard A. Martinez, Notary Public
Philadelphia County
My commission expires August 20, 2028
Commission number 1444107
Member, Pennsylvania Association of Notaries

Page 4

CERTIFICATE OF SERVICE

Plaintiff hereby certifies that the foregoing motion will be send to all counsel of record by email to the addresses listed below.

Ann Marie Summers

KING COUNTY PROSECUTING ATTORNEY'S OFFICE (FIFTH AVE)

701 FIFTH AVE

STE 600

SEATTLE, WA 98104

206-263-4008

Fax: 206-296-0191

Email: ann.summers@kingcounty.gov

ATTORNEY TO BE NOTICED

Colin M George

KING COUNTY PROSECUTING ATTORNEY'S OFFICE (FIFTH AVE)

701 FIFTH AVE

STE 600

SEATTLE, WA 98104

206-263-4008

Email: cogeorge@kingcounty.gov

ATTORNEY TO BE NOTICED

Peggy C Wu

KING COUNTY PROSECUTING ATTORNEY'S OFFICE (FIFTH AVE)

701 FIFTH AVE

STE 600

SEATTLE, WA 98104

206-263-4008

Email: pwu@kingcounty.gov

TERMINATED: 08/19/2024

Attorneys for Defendants Town & Country

Markets, Inc. and Evan B. Fagan

Socius Law Group, PLLC

One Union Square

600 University St., Suite 2510

PLAINTIFF'S MOTION TO STRIKE DECL. SUMMERS (Dkt 77)

No. 2:24-cv-00343-TL

1 Seattle, Washington 98101
2 Telephone 206.838.9100
3 Facsimile 206.838.9101

4
5 **Adam R. Asher**, WSBA #35517
6 aasher@sociuslaw.com
7 206-838-9110

8 **Courtney J. Olson**, WSBA #54548
9 colson@sociuslaw.com
10 206-838-9153

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

PLAINTIFF'S MOTION TO STRIKE DECL. SUMMERS (Dkt 77)
No. 2:24-cv-00343-TL